



Applicant's Docket No. 55586/45107

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bernd Burchard

Application No.: 09/775,307

Group No.: 2651

Filed: February 1, 2001

Examiner:

For: PORTABLE DATA RECORDING AND/OR PLAYBACK DEVICE

Box Missing Parts

Assistant Commissioner for Patents

Washington, D.C. 20231

COMPLETION OF FILING REQUIREMENTS
NONPROVISIONAL APPLICATION

05/22/2001 DTESSEN1 00000091 09775307

06 FC:115

110.00 UP

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed
March 12, 2001.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to BOX MISSING PARTS Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office. (703-305-5436)

Date: May 16, 2001

Signature

Rita E. Johnson

Rita E. Johnson

(type or print name of person certifying)



DECLARATION OR OATH

II.

☒ [X] No declaration or oath was filed. Enclosed is a copy of the original declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

OR

☐ [] The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the specification as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of Jul. 13, 1995 (1177 O.G. 60); M.P.E.P. § 601.01(a), 6th ed., rev. 3.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

(c) ☐ [] Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d) ☐ [] Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.



AMENDMENT CANCELLING CLAIMS

III. ☐ Cancel claims _____ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).

NOTE: The translation for a regular application filed in a foreign language must be verified. 37 C.F.R. § 1.52(d).

SMALL ENTITY STATUS

V. ☐ A statement that this filing is by a small entity

(check and complete applicable items)

☐ is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on _____ (original).

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. § 1.28(a).

1. Filing fee

☒ original patent application

(37 C.F.R. § 1.16(a)--\$710.00: small entity--\$380.00)

\$ 710.00

☐ design application
(37 C.F.R. § 1.16(f)—\$310.00; small entity--\$155.00) \$

2. Fees for claims

☒ each independent claim in excess of 3
(37 C.F.R. § 1.16(b)—\$80.00; small entity--\$40.00) \$ 80.00

☒ each claim in excess of 20
(37 C.F.R. § 1.16(c)—\$18.00; small entity--\$9.00) \$ 144.00

☒ multiple dependent claim(s)
(37 C.F.R. § 1.16(d)—\$270.00; small entity--\$135.00) \$ 270.00

3. Surcharge fees

☐ late payment of filing fee
(37 C.F.R. § 1.16(e)—\$130.00; small entity--\$65.00) \$

and/or

☒ late filing of original declaration or oath
(37 C.F.R. § 1.16(e)—\$130.00; small entity--\$65.00) \$ 130.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. § 1.16(e).

4. ☐ Petition and fee for filing by other than
all the inventors or a person not the inventor
(37 C.F.R. §§ 1.17(i) and 1.47--\$130.00) \$

5. ☐ Fee for processing an application filed with
a specification in a non-English language
(37 C.F.R. §§ 1.17(k) and 1.52(d)--\$130.00) \$

6. ☐ Fee for processing and retention of application
(37 C.F.R. §§ 1.21(l) and 1.53(d)--\$130.00) \$

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as, the changes to 37 C.F.R. § 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(f) must be paid.



Total completion fees

\$ 1,334.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$1,360.00	\$680.00

Fee \$ 110.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 110.00

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

05/22/2001 DTESSEH1 00000091 09775307

06 FC:115

110.00 OP



TOTAL FEE DUE \$

VIII.

The total fee due is

Completion fee(s) \$ 1,334.00
Extension fee (if any) \$ 110.00

Total Fee Due \$ 1,444.00

PAYMENT OF FEES

IX.

☒ Enclosed is a check in the amount of \$ 1,444.00 for Missing parts, 1 month ext.

☐ Charge Account No. _____ in the amount of \$ ____.
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☒ The Commissioner is hereby authorized to charge any deficiency in fees that may be required by this paper and to credit any overpayment to Deposit Account No. 04-1105.


SIGNATURE OF PRACTITIONER

Reg. No.: 33,860

Peter E. Corless
(type or print name of practitioner)
EDWARDS & ANGELL LLP
P.O. Box 9169

Tel. No.: (617) 523-3400

Boston, MA 02209

Customer No.:
PIC/rej
168140



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/775,307	02/01/2001	Bernd Burchard	55586 (45107)

CONFIRMATION NO. 8232

FORMALITIES LETTER



DIKE, BRONSTEIN, ROBERTS & CUSHMAN
Intellectual Property Practice Group of
EDWARDS & ANGELL, LLP
130 Water Street
Boston, MA 02109

Date Mailed: 03/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/12/2001 TV0111 00000005 041105 09775307

01 FC:103 18.00 CH

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$512.
 - \$162 for 9 total claims over 20.
 - \$80 for 1 independent claims over 3 .
 - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1352.

05/22/2001 DTESSEM1 00000091 09775307

01 FC:101	710.00 OP
02 FC:105	130.00 OP
03 FC:102	80.00 OP
04 FC:103	144.00 OP
05 FC:104	270.00 OP

A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE